20.7.2007 Present: Mr.Surinder Sharma, Advocate, for the petitioner.

Mr.C.B.Singh, Cy. Advocate General, for respondents No.1 and 2.
Mr.Shrawan Dogra, Advocate, for respondent No.3.

The petitioner has prayed for the following reliefs:-

"(i) That the impugned Annexure P-I and PJ, dated 11.8.2000 and 22.8.2002, respectively, may be quashed and set aside;

(ii) That the respondents may be directed to modify Annexure PG, dated 9.2.2005 by permitting the petitioner to raise four storeyed residential house on Khasra No.688 and 689 situate at North Bank Estate, The Mall, Shimla-1, instead of two storeys, as sanctioned vide Annexure-PG, dated 9.2.2005;

(iii) That the respondents may be directed to produce the entire record pertaining to the case before this Hon'ble Court for its kind perusal;

(iv) Any other relief as may be deemed just and proper keeping in view the facts and circumstances of the case may also be granted in favour of the petitioner."

The application of the petitioner seeking permission for construction was not decided by the respondents and kept pending for a considerable period of time when in the intervening period the respondents brought an amendment to the Municipal Act and the Byelaws whereby no permission as sought for could have been granted. Undisputedly, the matter is now covered by the decision of the Apex Court render in Appeal (Civil) No. 2525/2007 titled as *Commissioner of Municipal Corporation, Shimla vs. Smt. Prem Lata and others.*

In this view of the matter, the prayer of the petitioner cannot be accepted. The writ petition is consequently dismissed.

20th July, 2007 (Sanjay Karol),
(R/C) Judge.